

Feb 6, 2009

EXHIBIT 3 B011  
DATE 2-6-09  
391

Thank you Chairman Wilson & committee members.

My name is Dr. Elaine Samuel. I am currently employed by VA Montana at Fort Harrison as a hospitalist. I have practiced Internal Medicine for 26 years and in Montana since 1988. I was born & raised in Lewistown, graduated from MSU, attended University of Washington School of Medicine as part of the WAMI program. I completed my Medicine Residency at University of Washington.

Please kill Bill 391 in committee.

This bill is an attempt to prevent workers from working and could be applied to doctors as well all other professionals & workers. Specifically, hospitals & large group practices can use this bill to keep doctors from working at other locations & practices in a community. AMA Code of Ethics Opinion 9.02 specifically states covenants-not-to-compete restrict competition, disrupt continuity of care and potentially deprive the public of medical services.

With the current crisis in primary care & medicine and the great difficulty in recruiting physicians to Montana, this committee can STOP NOW a potentially devastating law which would dissuade or prevent physicians coming to Montana to practice medicine. In fact, Montana legal precedence does not uphold non-compete clauses.

I proudly look to my Montana heritage as one that takes pride in rugged individualism, personal freedom and the right to work and practice one's trade or profession.

This is not the time & place to make a law which is a regressive step back in history to what ~~call~~ is professional slavery or indentured servitude to a large employer, clinic, hospital or group practice.

Elaine Samuel, MD



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Thursday, February 5 2009

## Principles of Medical Ethics

### Preamble

The medical profession has long subscribed to a body of ethical statements developed primarily for the benefit of the patient. As a member of this profession, a physician must recognize responsibility to patients first and foremost, as well as to society, to other health professionals, and to self. The following Principles adopted by the American Medical Association are not laws, but standards of conduct which define the essentials of honorable behavior for the physician.

### Principles of medical ethics

A physician shall be dedicated to providing competent medical care, with compassion and respect for human dignity and rights.

A physician shall uphold the standards of professionalism, be honest in all professional interactions, and strive to report physicians deficient in character or competence, or engaging in fraud or deception, to appropriate entities.

A physician shall respect the law and also recognize a responsibility to seek changes in those requirements which are contrary to the best interests of the patient.

A physician shall respect the rights of patients, colleagues, and other health professionals, and shall safeguard patient confidences and privacy within the constraints of the law.

A physician shall continue to study, apply, and advance scientific knowledge, maintain a commitment to medical education, make relevant information available to patients, colleagues, and the public, obtain consultation, and use the talents of other health professionals when indicated.

A physician shall, in the provision of appropriate patient care, except in emergencies, be free to choose whom to serve, with whom to associate, and the environment in which to provide medical care.

A physician shall recognize a responsibility to participate in activities contributing to the improvement of the community and the betterment of public health.

A physician shall, while caring for a patient, regard responsibility to the patient as paramount.

A physician shall support access to medical care for all people.

Adopted by the AMA's House of Delegates June 17, 2001.

### History of the Principles of Medical Ethics

A history of the revisions to the Principles of Medical Ethics.

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